IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

Crl.Rev.Pet.No. 261 of 1999()

CC.597/1997 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, THRISSUR

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REVN. PETITIONER: DEFACTO COMPLAINANT

V./A.ROCKEY, S/O.ANTHONY
VADAKKETHALA HOUSE,
P.O.KURIACHIRA, THRISSUR 6.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS:
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1. **STATE OF KERALA, REP.BY THE PUBLIC PROSECUTOR , HIGH COURT OF KERALA, ERNAKULAM, KOCHI 31.**

2. **THE SUB INSPECTOR OF POLICE, THRISSUR TOWN EAST (CRIME NO.695 1995.)**

3. **ASOKAN, S/O.BALAKRISHNAN**

4. **RAVI, S/O.MADHAVAN,**

5. **DAVIS, S/O. PAILAKUNJU**

6. **MAJEED, S/O.KUNJIMUHAMMAD,**

7. **GEORGE, S/O. LAZAR**

8. **PAUL, S/O. JOSEPH**

9. **MUKUNDA MENON, S/O. GOPALA MENON**

BY ADV. SRI.P.VIJAYA BHANU
SRI.S.R.MANOJ
PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 25/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.261 of 1999

Dated this the 25th day of July, 2007

O R D E R

The revision petition is filed by the defacto complainant in C.C.No.597/97 with respect to the offences under Sections 7 and 8 of the Kerala Gaming Act.

2. The prosecution case is that on 17.12.1995 at 10.00 p.m., the accused played “Pannimalathu” using playing cards, in order to gain money at Banerji Memorial Club of which the 8th accused was President; and with the consent of the 8th accused. The court below closed the proceedings on the basis of the decision of the Common Cause Case. It is noted that only one witness has been examined till then. i.e., after two years and the above witness himself turned hostile. It is pointed out by the counsel for the revision petitioner that the dictum laid down in Common Cause Case is not relevant in view of the subsequent larger Bench decision in **Ramachandra Rao vs. State of Karnataka (2002(2) KLT 189(SC**). It was submitted by the counsel for the respondent that A8 is no more and that the

accused are some what aged persons and that the subject matter has no relevance right now.

3. I find that the matter is of the year 1995 and the order of the court below is dated 5.1.1999. I find that after a lapse of so many years and considering the nature of the offence alleged, it would not be just to remit the matter back to the court below and direct the accused to stand trial.

The revision petition is dismissed.

K.R.UDAYABHANU,
JUDGE

csl